



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB0243

Introduced 2/4/2009, by Sen. Antonio Munoz

SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-612

Amends the Illinois Vehicle Code. Provides that it is unlawful for any person to (1) own or operate with criminal intent any vehicle (rather than motor vehicle) he or she knows to contain a false or secret compartment that is used or has been used to conceal a firearm as prohibited by the Criminal Code of 1961, or controlled substance as prohibited by the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act; or (2) to install, create, build, or fabricate in any vehicle (rather than motor vehicle) a false or secret compartment knowing that another person intends to use the compartment to conceal a firearm as prohibited by the Criminal Code of 1961, or controlled substance as prohibited by the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act. Defines the term "false or secret compartment" to mean an enclosure integrated into the vehicle that is a modification of the vehicle as built by the original manufacturer (rather than any enclosure integrated into the vehicle that is intended and designed to be used to conceal, hide, and prevent discovery by law enforcement officers of the compartment or its contents.) Establishes that the term "vehicle" means, but is not limited to, any private or commercial car, truck, bus, aircraft or watercraft. Makes other changes regarding forfeiture and sentencing.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning vehicles.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 12-612 as follows:

6 (625 ILCS 5/12-612)

7 Sec. 12-612. False or secret compartment in a ~~motor~~
8 vehicle.

9 (a) Offenses. It is unlawful for any person:

10 (1) to own or operate with criminal intent any motor
11 vehicle he or she knows to contain a false or secret
12 compartment that is used or has been used to conceal a
13 firearm as prohibited by paragraph (a)(4) of Section 24-1
14 or paragraph (a)(1) of Section 24-1.6 of the Criminal Code
15 of 1961, or controlled substance as prohibited by the
16 Illinois Controlled Substances Act or the Methamphetamine
17 Control and Community Protection Act; or. It is unlawful
18 for any person to knowingly

19 (2) to install, create, build, or fabricate in any
20 motor vehicle a false or secret compartment knowing that
21 another person intends to use the compartment to conceal a
22 firearm as prohibited by paragraph (a)(4) of Section 24-1
23 of the Criminal Code of 1961, or controlled substance as

1 prohibited by the Illinois Controlled Substances Act or the
2 Methamphetamine Control and Community Protection Act.

3 (b) Definitions. For purposes of this Section: ~~a "false~~

4 (1) "False or secret compartment" means an enclosure
5 integrated into a vehicle that is a modification of the
6 vehicle as built by the original manufacturer.

7 (2) "Vehicle" means any of the following vehicles
8 without regard to whether the vehicles are private or
9 commercial, including, but not limited to, cars, trucks,
10 buses, aircraft, and watercraft ~~any enclosure that is~~
11 ~~intended and designed to be used to conceal, hide, and~~
12 ~~prevent discovery by law enforcement officers of the false~~
13 ~~or secret compartment, or its contents, and which is~~
14 ~~integrated into a vehicle. For purpose of this Section, a~~
15 ~~person's intention to use a false or secret compartment to~~
16 ~~conceal the contents of the compartment from a law~~
17 ~~enforcement officer may be inferred from factors~~
18 ~~including, but not limited to, the discovery of a person,~~
19 ~~firearm, controlled substance, or other contraband within~~
20 ~~the false or secret compartment, or from the discovery of~~
21 ~~evidence of the previous placement of a person, firearm,~~
22 ~~controlled substance, or other contraband within the false~~
23 ~~or secret compartment.~~

24 (c) Forfeiture. Any ~~motor~~ vehicle containing a false or
25 secret compartment, as well as any items within that
26 compartment, shall be subject to seizure by the Department of

1 State Police or by any municipal or other local law enforcement
2 agency within whose jurisdiction that property is found as
3 provided in Sections 36-1 and 36-2 of the Criminal Code of 1961
4 (720 ILCS 5/36-1 and 5/36-2). The removal of the false or
5 secret compartment from the ~~motor~~ vehicle, or the promise to do
6 so, shall not be the basis for a defense to forfeiture of the
7 motor vehicle under Section 36-2 of the Criminal Code of 1961
8 and shall not be the basis for the court to release the vehicle
9 to the owner.

10 (d) Sentence. A violation of this Section is a Class 4
11 felony. The sentence imposed for violation of this Section
12 shall be served consecutively to any other sentence imposed in
13 connection with the firearm, controlled substance, or other
14 contraband concealed in the false or secret compartment.

15 (e) For purposes of this Section, a new owner is not
16 responsible for any conduct that occurred or knowledge of
17 conduct that occurred prior to transfer of title.

18 (Source: P.A. 93-276, eff. 1-1-04.)